IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 14.07.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Writ Petition No. 20778 of 2001

K.D.S.Raju .... Petitioner

Vs.

1.The Director General,
Central Industrial Security Force,
CISF Headquarters,
Block No.13, CGO Complex,
Lodhi Road,
New Delhi-3.

2.The Inspector General,
CISF, South West Sector,
RCFL Complex, Chembur,
Mumbai-400 074.

3.The Deputy Inspector General,
CISF Southern Zone,
D Block, Rajaji Bhavan,
Besant Nagar,
Chennai-600 090.

4.The Commandant,
CISF Unit,
Chennai Port Trust,
Chennai. .. Respondents

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Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorari to call for the records relating to the impugned order of the second respondent in No.V-11014/07/SZ/LC/SWS/2001/2008 dated 26.03.2001, confirming the order of the third respondent in No.V-110142/21/96-A6 (SZ)/4972 dated 03.07.1996 and the order of the fourth respondent in No.V-15014/1/Estt-I/95/KDSR/10355 dated 18.12.1995 and quash the same.

For Petitioner : Mr.T.N.Sugesh
For Respondents : Mr.S.Udayakumar,SCGSC.,

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ORDER

(Order of the Court was delivered by P.SATHASIVAM, J.)

Aggrieved by the order of the fourth respondent dated 18.12.1995 imposing a penalty of reduction of pay by three stages from Rs.1020/- to Rs.960/- in the time scale of pay Rs.825-15-900-EB-20-1200 for a period of three years with effect from 01.01.1996 and the order of the Appellate Authority, the third respondent herein dated 03.07.1996 as well as the order of the revisional authority-second respondent dated 26.03.2001, the petitioner has filed the present writ petition.

2. Heard the learned counsel of the petitioner as well as the respondents.

3. In the light of the order to be passed here under, we are of the view that it is unnecessary to refer all the factual matrix stated by both the parties. In respect of the charge viz., the petitioner has failed to catch the culprits, who were tried to smuggle imported welding electrode at about 20.55 hours on 15.04.1995 and did not extend his help to Head Constable Arjun Singh of Crime Wing of CISF Unit MPT Madras, an enquiry was conducted and ultimately he was found guilty of the charges.

4. Agreeing with the findings of the Enquiry Officer, the Disciplinary Authority awarded punishments as mentioned above. The Appellate Authority rejected his appeal by order dated 03.07.1996. As against the order of the Disciplinary and Appellate Authorities, the petitioner has preferred a revision before the Inspector General (SWS), Central Industrial Security Force (Ministry of Home Affairs), Mumbai, by order dated 26.03.2001. The Revisional Authority, after finding that the revision was filed only on 18.09.2000, after the lapse of limitation period as laid down in CISF Rules and there is no acceptable reason for not submitting the revision in time, without going into the merits, rejected the revision on the ground of limitation.

5. It is brought to our notice that by amendment, which was made in the year 1999, the aggrieved party is permitted to file revision before the revisional authority within a period of one year from the date of receipt of the Appellate Authority's order. Inasmuch as the petitioner has filed the revision petition on 18.09.2000 and in the light of the amendment made, we are of the view that the Revisional Authority ought to have considered the revision on merits instead of rejecting the same on the ground of limitation. On this ground, without going into the merits of the order passed by the Disciplinary Authority and the Appellate Authority, we direct the Revisional Authority, Inspector General(CISF), South Sector, Chennai Port Trust Complex, Chennai, to restore the revision on his file and dispose of the same on merits in accordance with law, after affording an opportunity to the petitioner as expeditiously as possible.

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6. The writ petition is allowed to the extent mentioned above. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

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Chennai Port Trust,
Chennai.

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+1cc to Mr.S.Udayakumar SCGSC Sr 30840
+1cc to Mr.T.N.Sugesh, Advocate Sr 31204

TEJ (CO)
km/24.7.

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